

REMARKS

Claims 1-37 are pending. Claims 1-10 and 15-30 have been withdrawn. Claims 11-14 have been rejected. Claims 31-37 are newly added.

Objection to the Claims

The Examiner has objected the claims 11-14 for directly or ultimately depending on withdrawn claims. Claims 11-14 have been amended. Applicants believe that the objection is moot in light of amendment to the claims.

Claim Rejection – 35 USC § 112

Claim 14 has been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 14 has been amended. Applicants believe that the rejection is moot in light of amendment to the claim.

Claim Rejection – 35 USC § 102

Claims 11 – 13 have been rejected under 35 U.S.C. 102(b) as being anticipated by US Dinh (US 6,013,099).

Claim 11 defines an implantable device comprising a coating. The coating comprises a polymeric composition having a polysulfone (A) and an elastomeric polymer (B). Therefore, claim 11 requires a coating having a composition of polysulfone (A) and an elastomeric polymer (B). The elastomeric polymer (B) is selected from the group consisting of polyacrylate with a long side chain, polymethacrylate with a long side chain, polyisobutylene, polyhexafluoropentene, polysiloxane, and a combination thereof.

Dinh describes a medical device comprising a porous material and a water-insoluble therapeutic salt dispersed in the porous material (Abstract). The material may be polysulfone, fibrin or elastin and therapeutic salt may be heparin. However, Dinh does not describe an elastomeric polymer as set forth in claim 11, which defines elastomeric polymer as being selected from the group consisting of polyacrylate with a long side chain, polymethacrylate with a long side chain, polyisobutylene, polyhexafluoropentene, polysiloxane, and a combination thereof.

Therefore, Dinh does not describe each and every element of claim 11 of the present invention. Accordingly, claim 11 is patentably allowable over Dinh. Claims 12, 13, 14, 31, 32, 33, 34, 35, 36 and 37 depend from claim 11 and are patentably allowable over Dinh for at least the same reason.

Claim Rejection – 35 USC § 103

Claims 11 – 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,013,099 to Dinh in view of EP 0 897 595.

As discussed above, claim 11 defines an implantable device comprising a coating. The coating comprises a polymeric composition having a polysulfone (A) and an elastomeric polymer (B). The elastomeric polymer is specifically selected from the group consisting of polyacrylate with a long side chain, polymethacrylate with a long side chain, polyisobutylene, polyhexafluoropentene, polysiloxane, and a combination thereof.

As discussed above, Dinh discloses a medical device comprising a porous material and a water-insoluble therapeutic salt dispersed in the porous material (Abstract). The material may be polysulfone, fibrin or elastin which are natural polymers and therapeutic salt may be heparin. As Examiner correctly notes, Dinh does not teach an elastomeric polymer coating for an implantable device as defined in claim 11, which is a synthetic polymer selected from the group consisting of polyacrylate with a long side chain, polymethacrylate with a long side chain, polyisobutylene, polyhexafluoropentene, polysiloxane, and a combination thereof.

EP 0 897 595 describes an electronic component in the form of a circuit on a chip comprising thermoplastic (polycarbonate) or thermosetting heat-reactivatable adhesive coating on its inactive surface. EP 0 897 595 does not teach a coating for an implantable device as set forth in claim 11. Further, EP 0 897 595 does not teach or even remotely suggest using specific elastomeric polymers such as polyacrylate with a long side chain, polymethacrylate with a long side chain, polyisobutylene, polyhexafluoropentene, polysiloxane, and their combination.

Therefore, EP 0 897 595 does not cure the deficiency of Dinh. Dinh and EP 0 897 595 individually or combined do not teach an implantable device as defined in claim 11. Accordingly, claim 11 is patentably allowable over Dinh in view of EP 0 897 595. Claims 12 and 13 depend from claim 11 and are patentably allowable over Dinh in view of EP 0 897 595 for at least the same reason.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh (US 6,013,099) in view of Yang (US 6,258,121).

Claim 14 depends on claim 11 and defines an implantable device comprising a coating. The coating comprises a polymeric composition having a polysulfone (A), an elastomeric polymer (B) and a bioactive agent. **The elastomeric polymer is specifically selected from the group consisting of polyacrylate with a long side chain, polymethacrylate with a long side chain, polyisobutylene, polyhexafluoropentene, polysiloxane, and a combination thereof.** The bioactive agent is selected from the group consisting of tacrolimus, dexamethasone, rapamycin, Everolimus, 40-O-(3-hydroxy)propyl-rapamycin, 40-O-[2-(2-hydroxy)ethoxy]ethyl-rapamycin, and 40-O-tetrazole-rapamycin, paclitaxel, taxoids, estradiol, steroidal anti-inflammatory agents, antibiotics, nitric oxide donors, super oxide dismutases, super oxide dismutase mimics, 4-amino-2,2,6,6-tetramethylpiperidine-1-oxyl (4-amino-TEMPO), and a combination thereof.

As discussed, Dinh fails to teach synthetic polymer selected from **the group consisting of polyacrylate with a long side chain, polymethacrylate with a long side chain, polyisobutylene, polyhexafluoropentene, polysiloxane, and a combination thereof.**

Yang discloses a stent coating comprising a first PLA-PEO copolymer, a second PLA-PCL copolymer and taxol (abstract). Yang describes taxol with either first PLA-PEO copolymer or second PLA-PCL copolymer. **Yang does not teach polysulfone and elastomeric polymers.**

Therefore, Yang does not cure the deficiency of Dinh. Dinh and Yang individually or combined do not teach an implantable device as defined in claim 14. Accordingly, claim 14 is patentably allowable over Dinh in view of Yang.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh (US 6,013,099) in view of EP 0 897 595 and in further view of Yang (US 6,258,121).

As discussed above, Claim 14 depends on claim 11 and requires a synthetic polymeric composition having a polysulfone (A), an elastomeric polymer (B) and a bioactive agent. Dinh, EP 0 897 595 and Yang, all fail to teach synthetic polymer selected from **the group consisting of polyacrylate with a long side chain, polymethacrylate with a long side chain, polyisobutylene, polyhexafluoropentene, polysiloxane, and a combination thereof** as required by claim 14.

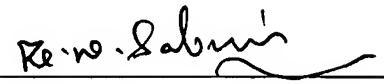
Therefore, EP 0 897 595 or Yang does not cure the deficiency of Dinh. Dinh, EP 0 897 595 and Yang individually or combined do not teach an implantable device as defined in claim 14. Accordingly, claim 14 is patentably allowable over Dinh, in view of EP 0 897 595 and in further view of Yang.

Withdrawal of the rejections and allowance of the claims is respectfully requested.
Should the Examiner have any questions or concerns, the Examiner is invited to call the
undersigned attorney/agent of record.

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Respectfully submitted,

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